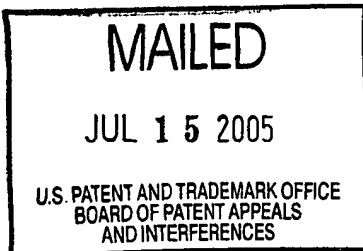


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM P. APPS

Application 09/891,948

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 11, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On April 15, 2004, an "AMENDMENT WITH APPEAL UNDER M.P.E.P. § 1207" was filed. There is no indication in the record regarding whether or not the examiner has considered the Amendment. It should be noted that the Examiner's Answer mailed February 8, 2005, states that "no amendment after final has been filed."

Accordingly, it is

ORDERED that the application is returned to the
examiner:

1. for clarifying the entry status of the amendment
filed April 15, 2004:

a. If the amendment has been entered, Appellant's
Appeal Brief filed April 15, 2004 is defective because it no
longer contains an accurate appendix. See 37 CFR § 1.192(c)(9)
(2003). Appellant should be notified to submit a new Appendix to
the Appeal Brief which contains a correct copy of the claims
(particularly claims 1 and 36, which currently do not reflect
entry of the April 15, 2004 amendment);

b. If the amendment has not been entered,
appellant should be notified in writing regarding non-entry of
the amendment; and

2. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

CRAIG R. FEINBERG
Program and Resource Administrator
(571) 272-9797

CRF/psb

Application 09/891,948

Konstantine J. Diamond
4010 E. 26th Street
Los Angeles, CA 90023